

REMARKS

Claims 1-11 are pending, with claims 1 and 3 being the only independent claims. Claims 1 and 3 have been amended. Dependent claims 10 and 11 have been added. Support for dependent claims 10 and 11 may be found at pg. 7, line 35 to pg. 8, line 8 of the specification. No new matter has been added by way of the amendment. Reconsideration of the application, as amended, is respectfully requested.

In the July 13, 2005 Office Action, independent claims 1 and 3 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,587,444 ("*Lenzo*"), while dependent claims 5-9 were rejected under 35 U.S.C. §103(a) as being obvious over *Lenzo*.

Independent claims 1 and 3 have been amended to recite the limitation "wherein *said initial time period* comprises timeslots in which the specific substation only receives at said first frequency from said central station and only transmits at said second frequency to said central station". Support for these amendments may be found at pg. 7, lines 19-33 and Figs. 4 and 5 of the originally filed specification. No new matter has been added.

Lenzo relates to a system that utilizes a mixed, or hybrid, division duplex mechanism such that the uplink and downlink transmissions are separated in frequency while time slots associated with transmission and reception are also separated in time (see col. 2, lines 6-10). *Lenzo* states (col. 2, lines 10-16), the hybrid duplex scheme, i.e., frequency-time division duplex (FTDD), allows alternative division duplex mechanism to be selectively implemented within a communications system without requiring modification of the basic system hardware architecture.

The Office Action (pg. 2) states:

Lenzo teaches a data transmission method of a radio link system between a central station and at least one substation comprising the steps of: transmitting a time division multiplex signal (upper frame in Figure 4B) at a first frequency (f_d) from the central station B40; and receiving at the central station B40 signals of said at least one substation M40 at a second frequency (f_u), said second frequency (f_u) being a different frequency [than] said first frequency (f_d) (Column 5 Line 55-56) and said signals of said at least one substation at said second frequency forming a time division multiple access signal (bottom frame in Figure 4B); wherein each of said at least one substation receives, ***within an initial time period (one data frame Figure 4B) having time slots***, at said first frequency during certain

first time periods having one or more time slots and corresponding to a specific substation.... (Emphasis Added)

With respect to the foregoing statement, the following is noted. There is a fundamental difference between the present claimed invention and *Lenzo*. This difference resides in the definition of the claimed initial time period. The Examiner contends that the initial time period (e.g., the “exemplary time period” discussed at pg. 7, line 21 and shown in Fig. 5 of the specification) corresponds to one data frame in Fig. 4B of *Lenzo*. However, Applicant respectfully disagrees with this assumption.

Lenzo (Fig 4B) teaches that one (upper and lower) data frame comprises $2N$ time slots. *Lenzo* (col. 6, lines 8-12) further teaches that the first N slots (of each frame) are reserved for transmission from a base station (BS) to a mobile station (MS) and the second N slots are reserved for transmission from the MS to the BS. *Lenzo* (Fig. 4B) teaches that these upper and lower data frames have different carrier frequencies (see also Abstract). Consequently, the initial time period as suggested by the Examiner (i.e. $2N$ time slots) comprises both downlink (i.e. first N slots) and uplink (i.e. second N slots) transmissions between the BS and the MS at both carrier frequencies (f_d and f_u).

In contrast, Figs. 4 and 5 of the claimed invention disclose that the initial time period (i.e. exemplary time period discussed at pg. 7, line 21 of the specification) comprises timeslots in which the specific substation (e.g. RI) only receives at the first frequency from the central station and only transmits at the second frequency to the central station, as recited in amended independent claims 1 and 3. *Lenzo* fails to teach or suggest this aspect of the claimed invention. Rather, *Lenzo* teaches that the specific substation (M40) receives and transmits at a first frequency and at a second frequency. In *Lenzo*, if the initial time period is chosen as the first N slots (or the second N slots), then as taught in Fig. 4B and col. 6 lines 8-12 of *Lenzo*, the specific substation (M40) only receives (or transmits) at the first frequency and at the second frequency from the central station (B40). In view of the foregoing, the initial time period recited in amended claims 1 and 2 are neither taught nor suggested by *Lenzo*. Accordingly, independent claims 1 and 3 are patentable over *Lenzo* and therefore, withdrawal of the rejections under 35 U.S.C. §102 and §103 is requested, and a notice to that effect is earnestly solicited.

New dependent claims 10 and 11 recite that uplink and downlink time slots are allocated according to traffic needs. In the present claimed invention the uplink and downlink time slots are allocated according to the traffic needs and are not necessarily equal to one-half of a total

frame (see pg. 7, line 35 to pg. 8, line 8 of the specification). *Lenzo* fails to teach this aspect of the invention. *Lenzo* (Fig. 4B) teaches that both downlink (N slots) and uplink subframes (N slots) each occupy one half of the total frame (2N slots). Therefore, dependent claims 10 and 11 are also patentable over *Lenzo*.


In view of the patentability of independent claims 1 and 3, for the reasons set forth above, dependent claims 2 and 4-9 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is requested.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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Dated: October 13, 2005